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TARGET CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BYRON SCHEAFER,

Plaintiff,

v.

TARGET CORPORATION, and DOES 1
through 20, inclusive ,

Defendants.

Case No.: 2:24-cv-00651-DC-SCR

**JOINT STIPUTLATION AND
[PROPOSED] ORDER REGARDING
PLAINTIFF'S EMOTIONAL AND
MENTAL DISTRESS CLAIM PURSUANT
TO FRCP 35**

District Judge: Hon. Dena M. Coggins
Magistrate Judge: Hon. Sean C. Riordan

Complaint Filed: February 29, 2024
Trial Date: March 16, 2026

STIPULATION

Plaintiff Byron Scheafer (“Scheafer”) and Defendant Target Corporation (“Defendant”), by and through their respective counsel of record, hereby stipulate and agree to the following pursuant to Federal Rule of Civil Procedure 35:

WHEREAS, in his Complaint and in discovery responses in this litigation, Plaintiff has claimed to have suffered mental distress and emotional distress as a result of Defendant’s alleged actions;

WHEREAS, pursuant to Federal Rule of Civil Procedure 35 Plaintiff stipulates that he is not making and will not make a claim for mental and/or emotional distress over and above that usually associated with events, allegations and causes of action claimed in this case.

Plaintiff further stipulates that no expert testimony regarding this usual mental and/or emotional distress resulting from the discrimination and retaliation will be presented in these proceedings, including without limitation, at trial.

Plaintiff further stipulates he will not introduce expert medical, psychological, and/or psychiatric testimony with respect to any claim of emotional or mental distress in connection with any cause of action.

Plaintiff further stipulates he will not seek to introduce at trial any documentary medical evidence related to his emotional injury, including but not limited to, medical records, itemized bills, reports, laboratory results, or any other type of physical or mental health assessments and excluding documents solely establishing a rise in Plaintiff’s blood pressure, in support of any of his claims in this Action;

Plaintiff further stipulates that trial testimony regarding emotional distress will be limited to lay witness testimony.

The Parties reserve their respective rights to present and/or object to evidence and discovery consistent with this Stipulation and as adjudicated by the Court in light of this Stipulation. Further, nothing in this Stipulation shall be construed, either explicitly or implicitly, to constitute a waiver of any Party’s rights to discovery of any relevant or necessary information to prepare its claims and/or defenses.

1 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 35, Defendant will not seek to
2 have Plaintiff submit to any mental examination.

3 **IT IS SO STIPULATED**

4 DATED: April 11, 2025

LITTLER MENDELSON, P.C.

6 By: /s/ Zoe Y.J. Monty-Montalvo

7 Andrew H. Woo

8 Michael L. Kibbe

9 Zoe Y. J. Monty-Montalvo

Attorneys for Defendant

TARGET CORPORATION

11 DATED: April 11, 2025

LAW OFFICES OF JILL P. TELFER

13 By: /s/ Jill P. Telfer

14 Jill P. Telfer

15 Attorney for Plaintiff

BYRON SCHEAFER

[PROPOSED ORDER]

Pursuant to the foregoing Stipulation, IT IS SO ORDERED.

Dated: April 11, 2025


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE